

E-272, 125/SA-90-484 GRANTING PETITIONS FOR RECONSIDERATION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Darrel L. Peterson	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Patrice Vick	Commissioner

In the Matter of the Application of the City of Marshall to Adjust and Update the Assigned Service Area Maps to Incorporate an Annexed Area Presently Served by Marshall and to Clarify Interim Service Rights in Said Area

ISSUE DATE: August 28, 1990

DOCKET NO. E-272, 125/SA-90-484

ORDER GRANTING PETITIONS FOR RECONSIDERATION

PROCEDURAL HISTORY

On July 31, 1990 the Commission issued its ORDER GRANTING INTERIM SERVICE RIGHTS TO THE CITY OF MARSHALL in this assigned service area dispute. That Order resolved interim service rights issues. On August 7, 1990 the Commission issued its NOTICE AND ORDER FOR HEARING. That Order referred compensation issues to the Office of Administrative Hearings for contested case proceedings.

On August 8, 1990 the Department of Public Service (the Department) filed a petition for reconsideration of the July 31 Order. On August 17 Lyon-Lincoln Electric Cooperative (the co-op) filed a petition for reconsideration of the July 31 Order and a reply to the Department's petition. On August 20 the City of Marshall filed a petition for reconsideration of both the July 31 and August 7 Orders.

The City and the co-op also stated they are engaged in negotiations to resolve all their outstanding service area disputes, including the one at issue here. They asked the Commission to postpone further action in this docket until negotiations have been concluded. The Department did not oppose this request.

The matter came before the Commission on August 28, 1990.

## FINDINGS AND CONCLUSIONS

Under Minn. Stat. § 216B.27, subd. 4 (1988), any application for rehearing not granted within 20 days of filing is deemed denied. The Commission believes adequate review of these petitions will require more than 20 days. The Commission will therefore grant the petitions for purposes of allowing careful review of the issues they raise. Deliberations on the merits will be scheduled at a later date.

The Commission will also grant the parties' request to postpone further action in this matter until they have concluded their negotiations. Deliberations will not be scheduled until the parties notify Commission staff that this has occurred.

## ORDER

1. The petitions for reconsideration filed by the Department of Public Service, the City of Marshall, and Lyon-Lincoln Electric Cooperative are granted for purposes of affording them careful review. An Order on the merits will follow that review.
2. The City of Marshall and Lyon-Lincoln Electric Cooperative shall notify Commission staff upon completion of their negotiations on service area matters, to facilitate scheduling of further action in this docket.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)